



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jacobs et al. Art Unit : 3639
Serial No. : 10/043,699 Examiner : Igor N. Borissov
Filed : January 9, 2002
Title : FUEL DISPENSER THAT DISPLAYS INFORMATION BASED UPON
CUSTOMER IDENTITY

Mail Stop Appeal Brief - Patents

Attention: Board of Patent Appeals and Interferences

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicant responds to the Examiner's Answer as follows.

Appellant respectfully submits that the Examiner has failed to cite any passage of *Struthers* that teaches displaying non-payment information as a function of the manner in which the user will pay to dispense fuel. In fact, the Examiner has only cited passages that teach displaying information that is unrelated to the manner in which the user will pay (e.g., food, advertisements, news, games) *regardless* of the manner in which the user will pay to dispense fuel, *not* as a function of the payment manner. *Examiner's Answer*, Pages 3-4. For example, *Struthers* teaches that the fuel dispenser may display food items for sale, advertisement, news related information, event listings, games, and other information not related to the manner in which the user will pay to dispense fuel. [0048]; [0049]; [0057]. Indeed, *Struthers* merely teaches automatically displaying non-payment information in response to the presence of the customer or displaying non-payment information in response to a request from the customer. *Id.* However, *Struthers* fails to teach or suggest that any of this non-payment information is displayed as a function of the manner in which the user will pay to dispense fuel. In fact, *Struthers* only teaches displaying information *directly* related to the manner in which the user will pay to dispense fuel (Credit, Debit, Enter PIN Number) as a function of the manner in which the user will pay to dispense fuel. Figure 4.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 750542459 US

June 7, 2006

Date of Deposit

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Appellant submit that displaying non-payment information as a function of the manner in which the user will pay to dispense fuel permits the operator to maximize commercial success of the system by enabling the ability to provide customizable information. For example, in response to a customer using a gold card to pay to dispense fuel, the system may display an advertisement for a Lexus. In contrast, in response to a customer using money to pay to dispense fuel, the system may display an advertisement for a Toyota.

For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejection should be reversed.

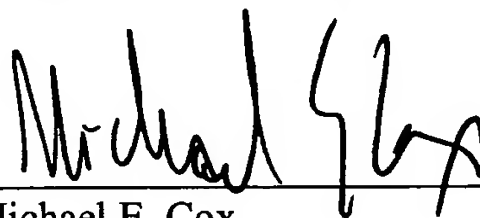
Also enclosed is a Request for Oral Hearing and a check in the amount of \$1,000 which is being filed concurrently with this Reply Brief.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

June 7, 2006



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